

House of Representatives, April 1, 1998. The Committee on Environment reported through REP. STRATTON, 17th DIST., Chairman of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING NUCLEAR SAFETY EMERGENCY PREPAREDNESS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 28-31 of the general statutes is
2 repealed and the following is substituted in lieu
3 thereof:

4 (a) The Department of Public Utility Control
5 shall establish a nuclear safety emergency
6 preparedness account, which shall be a separate,
7 nonlapsing account within the General Fund, and
8 which shall be financed through assessments of all
9 Nuclear Regulatory Commission licensees operating
10 nuclear power generating facilities in the state.
11 The department shall initially assess the
12 licensees for a total of two million dollars. [At
13 such time as the balance of this account falls
14 below three hundred thousand dollars, the] THE
15 department may assess licensees for such amounts
16 as necessary for the purposes of the account,
17 provided the balance in the account AT THE END OF
18 THE FISCAL YEAR may not exceed three hundred
19 thousand dollars. The department [, upon request
20 of the director of the Office of Emergency
21 Management and with the approval of the Secretary
22 of the Office of Policy and Management, may assess

23 the licensees for special nonrecurring expenses in
24 any year for a total not to exceed one hundred
25 thousand dollars, provided the balance in the
26 account does not at any time exceed three hundred
27 thousand dollars, and] shall annually assess the
28 licensees, upon the request of the [director of
29 the Office of Emergency Management] COMMISSIONER
30 OF PUBLIC SAFETY, for funding to support annual
31 expenses of five staff positions in the Department
32 of Environmental Protection and [two] THREE staff
33 positions in the [Office of Emergency Management]
34 DEPARTMENT OF PUBLIC SAFETY. Personnel shall be
35 assigned to said staff positions solely for the
36 purposes of the program established pursuant to
37 subsection (b) of this section. Federal
38 reimbursements and grants obtained in support of
39 the nuclear safety emergency preparedness program
40 shall be paid into the General Fund and credited
41 to the account. The department shall develop an
42 equitable method of assessing the licensees for
43 their reasonable pro-rata share of such
44 assessments. All such assessments shall be
45 included as operating expenses of the licensees
46 for purposes of rate-making. All moneys within the
47 account shall be invested by the State Treasurer
48 in accordance with established investment
49 practices and all interest earned by such
50 investments shall be returned to the account.

51 (b) Moneys in the account shall be expended
52 by the director of the [Office of Emergency
53 Management] COMMISSIONER OF PUBLIC SAFETY, in
54 conjunction with the Commissioner of Environmental
55 Protection, only to support the activities of a
56 nuclear safety emergency preparedness program and
57 only in accordance with the plan approved by the
58 Secretary of the Office of Policy and Management
59 under subsection (c) of this section. The program
60 shall include, but not necessarily be limited to:
61 (1) Development of a detailed fixed facility
62 nuclear emergency response plan for areas
63 surrounding each nuclear electrical generation
64 facility and each away-from-reactor spent fuel
65 storage facility, (2) annual training of state and
66 local emergency response personnel, (3)
67 development of accident scenarios and exercising
68 of fixed facility nuclear emergency response
69 plans, (4) provision of specialized response
70 equipment necessary to accomplish this task [and]

71 (5) SUPPORT FOR THE OPERATIONS AND PERSONAL
72 SERVICES COSTS OF THE RADIOLOGICAL INSTRUMENT
73 MAINTENANCE AND CALIBRATION FACILITY, AS NECESSARY
74 TO REPLACE ANY REDUCTION IN CURRENT FEDERAL
75 FUNDING AND (6) any other measures as may be
76 required by the Nuclear Regulatory Commission and
77 the Federal Emergency Management Agency. Moneys in
78 the account shall be distributed as follows to
79 carry out the purposes of the program: The
80 [director] COMMISSIONER OF PUBLIC SAFETY may
81 expend not more than twenty-five per cent of the
82 proceeds of the maximum annual assessment for
83 administrative functions incident to the program.
84 He may expend such additional funds as are
85 necessary to assure and maintain emergency
86 operations center capabilities and specialized
87 response equipment necessary to implement the
88 fixed facility nuclear emergency response plans.
89 The remaining moneys in the account may be
90 allocated to other state agencies and used to
91 reimburse municipalities for costs incurred in the
92 purchase and maintenance of equipment and for
93 services rendered in carrying out the purposes of
94 the program.

95 (c) Not later than November first, annually,
96 the [director of the Office of Emergency
97 Management] COMMISSIONER OF PUBLIC SAFETY, in
98 consultation with the Commissioner of
99 Environmental Protection, shall submit to the
100 Secretary of the Office of Policy and Management a
101 plan for carrying out the purposes of the nuclear
102 safety emergency preparedness program during the
103 next state fiscal year. The plan shall include
104 proposed itemized expenditures AND MEASURES for
105 the program. The secretary shall review the plan
106 and, not later than December first, annually,
107 approve the plan if it conforms to the provisions
108 of this section.

109 (d) All moneys within the nuclear safety
110 emergency preparedness account may be expended
111 only in accordance with the provisions of this
112 section.

113 (e) Notwithstanding the provisions of
114 subsection (a) of this section, the Department of
115 Public Utility Control may allow an additional
116 assessment of the licensees to supplement the
117 initial assessment of such licensees if either the
118 Nuclear Regulatory Commission or the Federal

119 Emergency Management Agency disapproves or
120 informs, in writing, the director of the Office of
121 Emergency Management that it is likely to
122 disapprove the nuclear safety emergency
123 preparedness plan and additional funds are or
124 would be needed to conform the plan to acceptable
125 standards.

126 PS COMMITTEE VOTE: YEA 21 NAY 0 JFS C/R ENV
127 ENV COMMITTEE VOTE: YEA 22 NAY 0 JFS

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF MEMBERS OF THE GENERAL ASSEMBLY, SOLELY FOR PURPOSES OF INFORMATION, SUMMARIZATION AND EXPLANATION AND DO NOT REPRESENT THE INTENT OF THE GENERAL ASSEMBLY OR EITHER HOUSE THEREOF FOR ANY PURPOSE."

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FISCAL IMPACT STATEMENT - BILL NUMBER SHB 5335

STATE IMPACT	Cost (Nuclear Safety Emergency Preparedness Account), see explanation below
MUNICIPAL IMPACT	None
STATE AGENCY(S)	Department of Public Safety (Office of Emergency Management), Department of Public Utility Control

EXPLANATION OF ESTIMATES:

STATE IMPACT: The passage of this bill would result in additional costs to the Nuclear Safety Emergency Preparedness Account, which is a separate, non-lapsing account within the General Fund. This Account is financed through an annual assessment on the licensees operating nuclear power plants in the state. The bill would increase, from 2 to 3, the number of positions funded by this account in the Department of Public Safety. This would increase annual costs (and assessments) by about \$60,000. In addition, the bill would allow the Account to be used to replace the loss of any federal funding for the Radiological Instrument Maintenance and Calibration Facility. Currently, the unit is 100% federally funded, the State receiving about \$250,000 per year (funding for 4 positions). The federal support for this unit might be reduced to 50% or 35% in the next federal budget cycle. This results in potential additional costs to the Account in future years.

The bill also modifies the criteria utilized by the Department of Public Utility Control (DPUC) in making

their assessments for the Account. This would have no fiscal impact on the DPUC.

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OLR BILL ANALYSIS

sHB 5335

AN ACT CONCERNING NUCLEAR SAFETY EMERGENCY PREPAREDNESS

SUMMARY: This bill:

1. replaces the permanent \$300,000 cap on the Nuclear Safety Emergency Preparedness Account with a fiscal cap year end of \$300,000;
2. eliminates the Department of Public Utility Control's (DPUC) authority to annually assess Nuclear Regulatory Commission licensees up to \$100,000 for special nonrecurring expenses;
3. requires DPUC to annually assess licensees for eight instead of seven staff positions for the Nuclear Safety Emergency Preparedness Program;
4. transfers responsibility for the program from the Office of Emergency Management's director to the Department of Public Safety (DPS) commissioner;
5. requires program measures in the annual program plan; and
6. requires support of the operations and the personal service costs of the radiological instrument maintenance and calibration facility, as necessary to replace any reduction in current federal funding, to be included in the program.

EFFECTIVE DATE: October 1, 1998

FURTHER EXPLANATION

Assessments

The law allows the DPUC to fund the Nuclear Safety

Emergency Preparedness Account by assessing Nuclear Regulatory Commission licensees operating nuclear power generating facilities. Under current law, DPUC can make these assessments when the account balance is less than \$300,000, but the assessments cannot raise the balance above \$300,000. The bill allows the assessment at any time, provided the fiscal year end balance does not exceed \$300,000.

Current law allows the DPUC to assess licensees up to \$100,000 annually for special nonrecurring expenses if the emergency management director requests it, the Office of Policy and Management (OPM) secretary approves it, and the account balance does not exceed \$300,000. The bill eliminates the authority to levy this assessment.

Staff

Current law requires DPUC, at the emergency management director's request and with the OPM secretary's approval, to annually assess licensees to fund seven staff positions for the Nuclear Safety Emergency Preparedness Program. Two of these positions are in the Emergency Management Office. The bill requires the assessment for three, instead of two positions, and requires that the three positions be in DPS, not the Emergency Management Office. The other five positions are in the Department of Environmental Protection.

Transferred Responsibilities

The bill transfers statutory responsibility for the Nuclear Safety Emergency Preparedness Program from the Emergency Management Office, which is in DPS, to the DPS commissioner. Specifically, it transfers (1) responsibility for requesting that licensees be assessed for the cost of paying for program staff, (2) authority to spend money from the preparedness account on program activities, and (3) responsibility for submitting annual plans to OPM for implementing the program. The bill requires the commissioner to include program measures in the plan.

BACKGROUND

The Nuclear Emergency Preparedness Program

The program includes:

1. development of response plans for nuclear power plants,
2. annual training of state and local personnel and plan testing,
3. development of accident scenarios,
4. obtaining necessary equipment, and
5. other activities that the Nuclear Regulatory Commission and Federal Emergency Management Agency might require.

Radiological Instrument Maintenance and Calibration Facility

Among other things, this facility provides radiological instruments to towns and state agencies conducting emergency preparedness activities involving nuclear power plants. The instruments are maintained and calibrated according to federal standards. The facility also trains firefighters and other emergency responders in ways to protect themselves from radiation.

COMMITTEE ACTION

Public Safety Committee

Joint Favorable Substitute Change of Reference
Yea 21 Nay 0

Environment Committee

Joint Favorable Substitute
Yea 22 Nay 0